



Patent  
Attorney's Docket No. P-00552-001-040

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
Grant HEINICKE, et al. ) Group Art Unit: 1617  
Application No.: 09/606,629 ) Examiner: E. Webman  
Filed: June 29, 2000 )  
For: CONTROLLED ABSORPTION )  
DILTIAZEM PHARMACEUTICAL )  
FORMULATION )

**REPLY TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the office action mailed on June 24, 2003, the entry of the attached Terminal Disclaimer and favorable consideration of the subject application in light of the following remarks is respectfully requested.

Claims 60-70 are pending the present case. All claims were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over certain claims of U.S. Patent No. 6,214,385. A Terminal Disclaimer in compliance with 37 CFR 1.321(c) is enclosed to overcome the rejection along with authorization to charge the Applicant's Deposit Account 50-0370 for the requisite Government fees in accordance with the attached Transmittal Letter. The present application is a continuation application of 09/447,642, which matured into U.S. Patent No. 6,214,385. There has been no assignment that separates the ownership of the present case from that of US 6,214,385. Hence, the present case and US 6,214,385 were co-owned as of the invention date of the later case and continue to be co-owned.

In view of the above remarks, the Applicants respectfully submit that Claims 60-70 are now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully Submitted,

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Attorney of Record

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Date: 12/19/03